

## REMARKS

### I. Response to Rejections under 35 USC § 103:

At pages 2-6 of the Office Action, claims 1, 4-7, 8, 9-11, 14-17, 18, 22-25, are rejected under 35 USC 103(a) as being unpatentable over Srinivasan (US patent number 6,072,862, hereinafter referred to as "Srinivasan"), in view of Huna (US patent number 6,438,217, hereinafter referred to as "Huna"). The Applicant respectfully traverses this rejection because there is no motivation to combine these references.

The Applicant respectfully submits that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In Srinivasan, an adaptable method and system for message delivery is provided. Srinivasan allows a calling party (12) to use a fax (14), an e-mail (16), voicemail (18), or a page (20) to contact the subscriber (26). Thus, in Srinivasan, a complete system for adaptive message delivery is disclosed. This is to say that the user is provided a flexible means of contacting a subscriber by way of a variety of communication devices.

In Huna, an apparatus and method for future transmission of device-independent messages is provided. In Huna, a message server, a data centric network server, and a telephony-centric network server are provided.

Thus, as Srinivasan provides the user with a variety of communications devices (fax, e-mail, voicemail, or page) that can be used to contact the subscriber (26), the

Applicant asserts that one of ordinary skill in the art would have *no need* to make use of the teachings of Huna in order to “provide for greater user convenience to send messages using different devices”, as asserted by the Examiner at the bottom of page 4 of the Office Action. This is to say that Srinivasan already provides the user with a library of communications devices that can be used to contact the subscriber. Thus, Srinivasan does not benefit from, and is not enhanced by the system of Huna.

Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejection to the claims.

At pages 6-7 of the Office Action, claims 2-3, 12-13, and 20-21, are rejected under 35 USC 103(a) as being unpatentable over Srinivasan in view of Huna, and further in view of Tsumpes (US patent number 6,442,241, hereinafter referred to as “Tsumpes”). The Applicant respectfully traverses this rejection because there is no motivation to combine these references.

As applied to the combination of “Srinivasan” in view of “Huna”, hereinabove, Srinivasan already provides the user with a library of communications devices that can be used to contact the subscriber. Thus, Srinivasan does not benefit from, and is not enhanced by the system of Huna. In other words, *there is no problem created by the use of Srinivasan that requires the solution of “Huna”*. In turn, there is no motivation to combine these references.


In Tsumpes, and automated parallel and redundant subscriber contact and event notification system is described. The system is capable of being triggered by the change in status of any sensing device or process including the sensor of an alarm system or other event. However, as Srinivasan provides a complete system for adaptive message delivery by way of a variety of communication devices. There is no problem presented by Srinivasan that requires the solution of Huna or Tsumpes. Thus, the Applicant respectfully submits that the Examiner has not provided a *prima facie* case for obviousness.

Accordingly, the Applicant requests that the Examiner withdraw the rejection to the claims.

**II. Additional Fees:**

It is not believed that additional fees are due at this time; however, if any additional fee is required in connection with the filing of this Amendment, please charge the fee to Deposit Account No. 08-2025.

Respectfully Submitted,  
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